#### Victims identify Moore brothers

By Lance Williams Tribune Staff Writer

A pair of soft-spoken Southerners Monday identified David and Kenneth Moore as the gunmen who jammed them and two other robbery victims into the trunk of a car after a holdup in the parking lot of a San Jose motel.

Henry McCanless, 29, and his brother Edgar, 22, described the fifth of the nine separate incidents that resulted in 132 felony charges being filed against the Moores — the robbery and assault they suffered Aug. 5, 1978 in a Holiday Inn parking lot.

The brothers testified that Henry had flown to the Bay Area that night from Marietta, Ga., to help Edgar, a recent Georgia Tech graduate, move into an apartment in San Jose.

The McCanlesses said they pulled up to their motel at about 2:30 a.m. and started walking to their rooms.

Then they described an attack that seemed a virtual carboncopy of four other robberies that witnesses have described for the Alameda County Superior Court jury.

The McCanlesses said a man with a handgun appeared and told them to "freeze."

The gunman and two accomplices — one with a shotgun, the other with a pistol — forced the

McCanlesses to lie on the pavement and warned them they would be "blown away" if they looked at their assailants.

Then they were robbed and pistol-whipped. About 15 minutes into their ordeal, the McCanlesses said, they heard the gunmen abducting a young Latino couple returning from a wedding reception.

The McCanlesses said they listened while the gunmen robbed their new victims, molested the girl, and forced the victims to lie on the pavement.

Henry said he heard one of the gunmen say, "I've killed honkies before — I don't mind killing again."

Then, the McCanlesses said, they and the Latino couple were forced into the trunk of Edgar's Plymouth Satellite. The gunmen could barely slam the trunk because of the crush of bodies, but finally succeeded, the McCanlesses said.

Then the victims were left in the dank gloom.

"It got pretty hot pretty quick," Edgar testified.

The McCanlesses said they tried to tell a few jokes to ease the tension, but the Latino girl went into hysterics. "She screamed fairly steadily" throughout the ordeal, Edgar testified.

Almost an hour later, the Mc-

Canlesses said they heard voices outside the car.

"They asked if there were people in the trunk," Edgar testified. "We said, 'Yes, there are four of us.'

"They said, 'How many?'"

Henry McCanless identified David Moore as the gunman who first accosted him at the door of his room. Edgar said the other man armed with a handgun was Kenneth.

Prosecutor James Anderson has contended that the third gunman was Charles Reese, who is being sought by the FBI for many of the crimes.

In addition, Henry said that some credit cards and a suitcase found in the Moores' Oakland apartment were taken from him in the robbery. At the time police recovered the suitcase, it contained Kenneth Moore's welfare and food-stamp application.

Likewise, Edgar claimed that two tennis rackets, a suit bag and a valise that police found in the Moores' possession were taken from him in the robbery.

In addition to the string of robberies and assaults, the Moores are also charged with two murders. If convicted of all charges, they could receive the death penalty.

The trial continues Wednesday in Alameda County Superior Court.

#### Truck driver brother as robber identifies Moore

By Lance Williams
Tribune Staff Writer EEU 1 6 1980

An Omaha, Neb., truck driver Friday pointed out Kenneth Lynn Moore as the shotgun-wielding intruder who burst into his Hayward motel room Aug. 5, 1978, and and molested his wife with a gun barrel during a holdup.

In the seventh day of testimony in the trial of David and Kenneth Moore on 132 felony charges, both the truck driver and his wife also identified 14 items of personal property - including a television, a CB-radio microphone and some women's earrings molded in the shape of a long-haul truck which they said they lost in the armed robbery.

All of the items were recovered from the Moores' Oakland apartment, prosecutor James Anderson said.

The Omaha couple, in Hayward to take on some cargo, said they had returned from dinner at a Denny's restaurant and were getting ready for bed when they heard a knock at the door.

The husband said he opened the door a crack

and was faced by a man with a double-barreled shotgun who told him, "This is a holdup."

The gunman forced the husband to lie facedown on the bed, then dragged his nude wife, who had been about to step into the shower, into the bedroom and made her lie beside him. Then, they said, the gunman was joined by two other robbers. The men ransacked the room, at one point prying up the edges of the mattress to look for more loot.

The woman said the gunman molested her with a gun barrel "seven or eight times" during the ordeal.

"When I was lying face-down on the bed, he constantly kept poking me with it," the slim, redhaired woman said. "When he asked us something, if either one of us spoke out of turn, he'd poke me with it...

"He would say he could blow me to pieces."

The woman said she never got a good look at her assailant and thus could not describe him. But in a police lineup she tentatively identified Kenneth Moore as the gunman by the sound of his

voice. Her husband, who saw the gunman at the door, said he is sure the man was Kenneth.

The couple said they could not identify the other two men. Prosecutor Anderson contends they were David Moore and Charles Reese, a Richmond man who is being sought by the FBI in connection with the case.

Like several other victims, the Omaha couple said the gunman constantly chattered about having killed other people and having served time in the Ohio State Peniteniary.

"He said he'd already killed two police officers," the woman quoted the gunman as saying. "He said he'd spent time in he Ohio peniteniary. that's where he had lost his heart."

The woman said that was the phrase she requested suspects in the September 1978 Oakland police lineup to utter. When she heard Kenneth say the words, she recognized his voice.

Moores has been incarcerated in Ohio, and neither has been implicated in murdering policemen. David Moore served time in the California state prison system for shooting at a policeman. The officer escaped injury when Moore's bullet was deflected by his holster

In addition, the Moores are accused of murdering two Oakland women during their crime spree. If convicted, they could be sentenced to

The testimony about the Ohio prison apparently amused an unidentified man sitting with the Moore family in court. He chuckled when the husband/driver mentioned it, and laughed again when the wife brought it up.

At that point, District Attorney Inspector John Agler walked over to the man and whispered, "If you find the testimony humorous, get out." The man stopped laughing.

The trial is recessed next week while Alame-Court records indicate that neither of the da County Superior Court Judge Stanley Golde addresses California judges at a convention. It resumes Feb. 25.

### Moore witness tells of shots

By Lance Williams 26 1980

An Oakland postal worker whose late-night snack in front of the television was interrupted by a hail of gunfire that shattered the windows of his house joined the procession of prosecution witnesses in the Moore brothers' murder trial Monday.

Ronald Cohoon said he didn't know who was responsible for the 1:30 a.m. barrage of pistol and shotgun fire at his Delaware Street cottage.

But another prosecution witness offered some insights on both counts.

Postal worker Jimmy Lawson said that earlier that evening, he and another co-worker were at Cohoon's place to give him a ride to pick up their paychecks.

While he waited for Cohoon, Lawson said, two young men sitting with two girls in a pickup truck

across the street began harassing him.

Lawson identified the two men as David and Kenneth Moore, the Oakland brothers who are charged with two murders and 130 other felonies stemming from a crime spree in the summer of 1978.

After he and his friends got their checks and went out for a take-out sandwich, Cohoon said he was dropped off at home.

He had just turned on the television and sat down to eat, Cohoon said, when the gunfire began.

In a moment it was over, and Cohoon said he rushed to comfort his frightened wife and baby, both of whom had been awakened by the attack. He said he found eight slugs in the walls of his home, including one in the wall of his child's bedroom.

Prosecutor James Anderson says ballistics tests link the spent slugs from Cohoon's house to guns found in the bushes outside the Moores' apartment after their arrest.

Ballistic tests also show, according to Anderson, that those same weapons were fired again 30 minutes after the attack at Cohoon's — this time to kill Laura Muhlenbruch and Eileen Rogers in the garage of a Pearl Street apartment.

The Moores are charged with those killings, and if convicted could be sentenced to die in the gas chamber.

## Victims' property in Moore case identified

By Lance Williams Tribune Staff Writer

An Oakland man whose wife and step-daughter died in a fusillade of gunfire identified three small objects Tuesday that were later recovered from the apartment of accused killers David and Kenneth Moore as items his loved ones were carrying the night they were killed.

In brief testimony in Alameda County Superior Court, Richard Rogers provided the first circumstantial link between the Moores and the robbery and murder of Eileen Rogers and Laura Muhlenbruch in the garage of their Oakland apartment.

Rogers pointed to a small travelers' alarm clock and said his wife, who ran concessions at carnivals, usually carried it with her because she kept irregular hours.

He said he recognized a neck- er than lace as one that Laura, Eileen's assault. daughter by a previous mar- That

riage, was wearing the last time he saw her. He also said a small gold figurine of an owl belonged to his wife.

All three items, according to prosecutor James Anderson, were seized at the Moores' Oakland apartment after they were arrested the week after the killings occurred.

Rogers and Muhlenbruch were returning from work at the Santa Clara County Fair Aug. 18, 1978, when they were accosted and shot.

Evidence at the scene suggested to police that the women were killed after their attackers had attempted to rape them.

A year before her death, Muhlenbruch had been gang-raped in Oakland, and at the time she told a policewoman that she had vowed to fight to the death rather than submit to another sexual assault.

That has led Anderson to theo-

rize the women were killed resisting the attack.

The Moores are charged with 132 felonies stemming from a crime spree in the summer of 1978. Until Tuesday, Anderson had presented testimony about 10 other incidents in which gunmen sexually assaulted women during robberies.

Many of the victims have identified the Moores as their assailants. By emphasizing the pattern of the attacks, the prosecutor apparently hopes to convince the jury that the killings of Rogers and Muhlenbruch were also the work of the Moores.

Since trial testimony began Feb. 4, one juror and one alternate have been excused from the case because of medical problems. Two alternates are still available to replace jurors if necessary in a trial that is expected to consume at least another month of testimony.

#### Moore brothers' trial

#### Slain girl's rape ordeal recalled

**By Lance Williams Tribune Staff Writer** 

Frustrated to the point of tears by the way the courts had handled her case, a young rape victim told an Oakland policeman she would rather be killed than submit to another sexual assault.

Eighteen months later, Laura Muhlenbruch kept the angry vow she made to Sgt. Walter Kivett - and, along with her mother, died in a hail of gunfire while trying to fight off the men who were attempting to rape them.

Wednesday, Kivett took the stand in Alameda County Superi-

or Court as the prosecution con- Lake Merritt area apartment, tinued its attempt to prove that but ballistic evidence has linked David and Kenneth Moore killed Muhlenbruch and her mother, Eileen Rogers, as part of a crime rampage from Albany to San Jose.

The Oakland brothers face 132 felony charges in connection with rapes, robberies and assaults that occurred in the summer of 1978, and many of the victims of those crimes have identified the Moores as their assailants.

There were no witnesses to the Aug. 18, 1978, killings of the two women in the garage of their

the shootings to guns that allegedly belonged to the Moores.

According to Kivett, Muhlenbruch's first sexual assault occurred in Lake Merritt Park Jan. 23, 1977. He said she and her boyfriend were accosted by three men who gang-raped her at gunpoint.

According to court records. young men as her assailants -Glenn E. Nelson, Eldridge Tolefree and Maurice Robinson.

After several delays, the case of Tolefree and Robinson was heard in juvenile court, where, despite her testimony, then-Judge Clinton White found the could be sentenced to die in the men innocent.

The case against Nelson had not been tried at the time of her death, and since then has been dismissed.

Even before the verdict came in, Kivett said, Muhlenbruch was "extremely angry and frustrated at the court system.

"She thought the court system was letting her down, forcing her to get ready for all these proceedings and then constantly continuing them," Kivett said.

"... She felt everybody was

blaming her for being a (rape) victim.

During one of perhaps 20 interviews he had with her during the case, Muhlenbruch got particularly upset, Kivett said.

"At one point she was in tears and ran out of the office, saying 'They'll have to kill me (the next time)'," Kivett said.

"She said she felt she had not Muhlenbruch identified three resisted sufficiently - she blamed herself."

> Prosecutor James Anderson contends that, because she resisted, Muhlenbruch and her mother were shot to death by the Moores.

If convicted, the two men gas chamber.

#### Moore trial prosecutor rests case The lawyers called one wit- Trask Street about 9 p.m., Aug.

By Lloyd Boles Tribune Staff Writer

The prosecution rested its case Tuesday against David and Kenneth Moore after calling 64 witnesses and introducing a massive array of evidence in an attempt to prove them guilty of 132 felony charges stemming from a bloody rampage of killing, rape, sodomy, robbery, kidnapping and assault in the fall of 1978.

Prosecutor James Anderson waited until the very end to drop his carefully preserved bomb a secretly recorded conversation between the brothers in the Oakland City Jail shortly after they were arrested.

As jurors kept track with their own 26 page, single-spaced "script," the voices on tape, much of the time laughing uproariously, implicated Charles Reese, a third suspect in the twin killings and numerous other crimes; chortled over an old woman's pleas to "don't shoot me;" discussed how to get rid of three weapons the prosecution contends were used in the slayings; discussed the fine art of plea-bargaining their way out of most of their problems; and talked about their action - not so smart, they admit - in keeping stolen credit cars around to be tied into the many crimes.

After the prosecution rested, the defense immediately called a witness to bolster what's become known in legal circles as the "Dan White Defense," diminished capacity.

That is that the brothers were so stoned on beer, cocaine and marijuana the night of the killings that, if they did them at all, their capacity to know what they were doing was so dulled that they weren't responsible for the acts.

Indications are that the defense team of Robert Beles and Spencer Strellis is willing to concede - or at least not to summon any witnesses to contest the truth of the other 130 felonies facing their clients.

But they are expected to fight tenaciously to keep the Moores out of the gas chamber.

ness, Rosemary Lewis, and may 17, the day prior to the slayings, call others, to show the Moore and stayed to at least 11 p.m. prothers were sniffing cocaine, poozing and smoking pot almost David and Kenneth "drank beer, ip to the time that the pitiful ictims, a mother and daughter, juana." vere found sprawled grotesquely n the basement of a security partment on Pearl Street.

Eileen Rogers was clothed, but er blonde daughter, Laura Juhlenbruch, was nude. Their odies, said one officer, "were umped full of .38 slugs."

Lewis said that the brothers, ith her daughter, Deanna, lowed up at her son's house on

During that time, she testified, snorted coke and smoked mari-

Under cross-examination, she said neither brother was falling down drunk or high when he left the Trask Street address.

Reese still is sought by police. But the .38-caliber revolvers that ballistics say did the killing and which the prosecution links to the brothers were found hidden outside the Moores' dwelling.

#### Moore defense rests case, ms diminished capaci By Lloyd Boles Tribune Staff Writer

The defense rested its case Wednesday in the Moore brothers' murder-rape-robbery trial, and the lawyers are expected to present their final arguments Monday and Tuesday.

David and Kenneth Moore, charged with 132 felonies, including the slayings of an Oakland woman and her daughter Aug. 18, were offered the opportunity to take the stand by Prosecutor James Anderson Superior Court Judge Stanley also posed a long hypothetical

Golde noted they had a constitutional right to testify in their own defense, but the brothers told him their court-appointed lawyers, Robert Beles and Spen-

The defense called only three witnesses, two of them intended to prove that the defendants "suffered diminished capacity" and were so "bombed out of their minds" the morning that the two women were killed that they didn't know what they were doing.

A noted toxicologist, called by the defense to bolster its "diminished capacity" defense, testified at great length on the toxicological and psychotic effects of mixing alcohol, marijuana and cocaine.

Earlier, a friend of the Moores', Rosemary Lewis, had testified that the evening before the slayings she saw the brothers sniff a teaspoon of cocaine, drink a couple of beers and have a couple of hits off a marijuana butt over a period of about two

Because the toxicologist, Dr. David E. Smith, founder of the Haight-Ashbury Free Clinic and a nationally known expert on drug abuse, had not examined or interviewed the Moore brothers, defense lawyers could only ask him a series of hypothetical questions.

They wanted to know if someone who combined alcohol, marijuana and cocaine in the amounts testified to would be so smashed that he wouldn't know what he was doing - and therefore couldn't premeditate robbery-murder.

Smith replied that there were dozens of factors he would have to know to give an intelligent answer, including the physical health and characteristics and

emotional background of the mythical person, whether he regularly used drugs, how often and how much.

Generally, he said, if the average person - and he was hard put to portray the average person — really got loaded on a combination of cocaine, alcohol and marijuana, he could very well have his ability to form intent impaired.

Prosecutor James Anderson question, the essence of which was: If a person committed a series of crimes, including robbery and rape and assault, then combined a "couple of beers with snorting a spoon of cocaine cer Strellis, have advised them ijuana," and then went on to and smoking a hit or two of mar-

commit an attempted rape, a robbery and a murder, then fled the scene to avoid capture and kept the proceeds of the robbery could this person have premeditated and know what he was

"Yes," replied Smith.

The defense called no witnesses to rebut testimony about the 130 other crimes committed during a violent crime spree in 1978. This is tantamount to conceding these crimes.

In asserting the diminished capacity defense, the Moore brothers are attempting to avoid the death penalty.

The trial lasted 18 court days, had some 500 exhibits marked into evidence, and included testimony from 64 prosecution and three defense witnesses.

Tuesday, March 18, 1980

## Moore lawyer makes a startling plea

By Lance Williams Tribune Staff Writer

David Moore's own lawyer conceded Monday that Moore committed every one of the 74 felonies - including two first-degree murders - with which he was charged after a 1978 crime spree.

But the attorney, Robert Beles, urged Moore's Alameda County Superior Court jury to stop short of ruling that the Aug. 19, 1978, killings of Laura Muhlenbruch and Eileen Rogers in the garage of their Oakland apartment were what the law calls "special-circumstance" murders - punishable by death in the gas chamber.

Beles' startling concession, in which he all but offered to have his client plead guilty as charged in the 74-count complaint, was made in the first day of final arguments in the long-running trial of Moore and his brother Kenneth.

Beles' summation was preceded by that of prosecutor James Anderson, who in a three-hour speech detailed what he called the "overwhelming and uncontradicted" evidence he contends should bring a death sentence for both men.

At one point in his free-wheeling address. Anderson accused Oakland attorney Edward Bell, who formerly represented the Moores, of agreeing to hide two pistols used in the killings so that the men could beat the murder charges.

A summation by Kenneth Moore's attorney, and the prosecutor's rebuttal, were being presented today. The jury is expected to begin deliberations Wednes-

In addition to the murders, the Moores are charged with eight rapes, 'he said. more than 20 robberies, and multiple

counts of burglary, false imprisonment, assault, sodomy, cutting telephone lines and firing guns into inhabited dwellings.

By defense lawyer Beles' argument, the jury can accept as proven that his client took part in every one of the crimes.

"The D.A.'s right - the evidence has been overwhelming," Beles said.

But he contended that the jurors should concentrate only on the law's definition of a "special-circumstances" murder.

If they put aside what he called their "disgust" for his client - and if they resist the impulse to "throw the (hanging) rope over the light standard" - they will see that Moore cannot be found guilty of a death-penalty offense,

Under law, a special circumstances

murder must be "willful, deliberate and premeditated."

Beles contended that because Moore had snorted cocaine, consumed two beers and puffed on a marijuana cigarette four hours before the killings, he was suffering from a "diminished mental capacity" that made him incapable of a deliberate and premeditated crime.

On that basis, Beles asserted, the jury should find Moore guilty of all the crimes - but drop the special-circumstances charge and spare his life.

Earlier, prosecutor Anderson derided the diminished-capacity argument as

nonsense. He said the murders were deliberate "executions" that occurred because Muhlenbruch and Rogers, unlike the Moores' other female victims, chose to resist rather than be raped.

Throughout his argument, Anderson referred to a jailhouse conversation be-

tween the Moores that was secretly taped and then admitted in evidence.

In the tape, the Moores discussed many of the crimes, and then had a lengthy conversation about how to dispose of the weapons, which police ultimately found in the bushes outside their Oakland apartment.

In repeated references on the tape, the brothers state their belief that "Bell" had agreed to get rid of the guns himself, which he was to locate from a map that Kenneth had drawn.

At one point, Kenneth said, "Boy, I hope they didn't find no guns ... Bell, he, Bell was gonna do it last night."

"Isn't it nice," Anderson said to the jury, "that Mr. Ed Bell, a lawyer certified to practice law in the state of California, was going to help dispose of the murder weapons?"

Bell was not in court to deny the statement.

# Final arguments heard against Moores

By Lance Williams

Tribune Staff Writer Kenneth and David Moore today were called "the Gestapo of Alameda County" who committed " the most

brutal crimes in the county's history." Prosecutor James Anderson, in final arguments before the jury hearing multiple charges of murder, rapes and robberies against the two brothers, made an impassioned plea for a conviction with "special circumstances" that could

send the two to the gas chamber. David Moore's attorney, Robert Beles, had earlier asked the jury to rule out the special circumstances, contending the brothers were too stoned on drugs and beer in the killings of Laura Muhlenbruck and Eileen Rogers in the garage of their Oakland apartment in

August 1978. Kenneth Moore's attorney, Spencer

Strelis, argued that the killings actually were committed by David and another suspect, Charles Reese, who is still being sought, while Kenneth merely stood guard with a shotgun. Strelis pleaded for a diminished capacity verdict for Kenneth since he did not physi-

cally aid in the killings. In rebuttal, Anderson exploded in anger, "To say the Moore brothers did not physically aid and abet in those murders is like saying Adolph Eichman did not physically aid in the slaughter

of four million Jews at Auschwitz." Earlier, Beles conceded in court that David committed every one one of

the 74 felonies he is charged with. But he urged the Moores' Alameda County Superior Court jury to stop short of ruling the killings of Muhlenbruch and Rogers were what the law calls "special-circumstance" murders

Beles' startling concession was preceded by that of prosecutor Anderson, who in a three-hour speech detailed what he called the "overwhelming and uncontradicted" evidence he contends should bring a death sentence for both

At one point in his free-wheeling address, Anderson accused Oakland attorney Edward Bell, who formerly represented the Moores, of agreeing to hide two pistols used in the killings so that the men could beat the murder

The jury is expected to begin delibcharges. erations Wednesday following instruc-

tions from the bench. In addition to the murders, the Moores are charged with eight rapes, more than 20 robberies, and multiple

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If they put aside what he called murder. their "disgust" for his client - and if they resist the impulse to "throw the (hanging) rope over the light standard" - they will see that Moore cannot be found guilty of a death-penalty offense, he said.

Beles contended that because Moore

tal capacity" that made him incapable of a deliberate and premeditated crime. On that basis, Beles asserted, the

jury should find Moore guilty of all the crimes - but drop the special-circumstances charge and spare his life. Earlier, prosecutor Anderson derid-

ed the diminished-capacity argument as nonsense. He said the murders were deliberate

"executions" that occurred because Muhlenbruch and Rogers, unlike the Moores' other female victims, chose to resist rather than be raped.

Throughout his argument, Anderson referred to a jailhouse conversation be tween the Moores that was secretly taped and then admitted in evidence.

### Moore murder dase goes to jury

By Lance Williams **Tribune Staff Writer** 

the Nazi killers of Europe's murders of Laura Muhlenbruch Anderson provoked loud de-Jews, an Alameda County prose- and Eileen Rogers in the garage cutor Tuesday urged a jury to of their Oakland apartment Aug. convict David and Kenneth 18, 1978. Moore of 132 felonies - melus But the defense lawyers they retire to deliberate on the ing two "special circumstances" murders that could bring them the death penalty.

In an argument interrupted by heated defense objections, Deputy District Attorney James Anderson angrily recited the long list of crimes attributed to the Oakland brothers and called them "the Gestapo of Alameda County."

He asked the jury to find the Moores guilty of every crime charged in connection with what he termed "the most brutal crime spree in this county's history."

In their final arguments, defense lawyers Robert Beles and Spencer Strellis conceded that their clients committed a violent crime rampage in the summer of 1978 that included multiple rapes, robberies and assaults.

Both attorneys also acknowl- in the slaughter of four million edged their clients are legally lews at Auschwitz," Anderson Comparing the defendants to responsible for the first-degree laid.

argued that a special circum- case. stances verdict is legally incorrect - in David's case because vear-old Albany woman who he he was too intoxicated to know said was "raped and ravaged" by what he was doing, in Kenneth's David Moore and an unapprebecause he allegedly stood guard hended suspect, Charles Reese. with a shotgun while the murders took place.

In a passionate rebuttal, pros ecutor Anderson scornfully countered the defense arguments designed to keep the Moores out of the gas chamber.

David's "diminished capacity defense was simply unproven. Anderson argued, and the contention that Kenneth wasn't the triggerman - even if true was irrelevant, he said.

"For the defense to say the Moore brothers didn't physically aid and abet in the murders of Laura Muhlenbruch and Eileen Rogers is like saying Adolph Eichmann didn't physically aid

ense objections when he urged jurors to remember each and every victim of the Moores when

He reminded them of a 65-

He asked them to remember the "emotional and physical degradation" inflicted on an Oakland woman who was forced to "(crawl) around like a swine in the gutter to satisfy the morbid lust of the Moore brothers" during a gang rape.

He recounted how the Moores abducted a young Turlock family in a San Jose parking lot, clubbed the father unconscious. raped and sodomized the mother, and "committed the manly act" of performing the sexual assault while holding a gun to the head of the woman's baby daughter.

At each reference, the defense

bellowed objections that Anderson's argument was "inflammatory," but Judge Stanley Golde allowed him to continue.

Finally, Anderson asked jurors to remember Rogers and Muhlenbruch, who were accosted in their garage and then shot nine times - "executed," as he put it - when they resisted a rape attempt.

"Take a look at this crime scene, ladies and gentlemen," the prosecutor said, waving a police photograph of the women's bodies as they were found.

"Did the Moore brothers give them a chance? Hardly."

Later, Judge Golde instructed the jury on the law. Jury deliberations were expected to begin today.

If a special circumstances verdict is returned, the trial will go into a second phase, in which the jury will be presented evidence to help them decide whether to order the Moores imprisoned for life without chance of parole or executed.

By law, no lesser verdict is possible.

#### Jury convicts Moores of 132 felonies

**By Lance Williams** Tribune Staff Writer

An Alameda County jury found ment in county history. David and Kenneth (Moore) guilty crime spree in 1978.

whether the men whom their 1978. prosecutor called "the Gestapo chance of parole.

er punishment is now possible. · meditating the crimes.

Superior Court Judge Stanley trial will begin Wednesday.

But they contested the "special Monday of two "special circum- circumstances" charges, in stances" murders and 130 other which the prosecutor asked for felonies stemming from a violent the death penalty on grounds the brothers had committed multiple The verdicts, reached after murder during the robbery of Eithree days' deliberation, mean leen Rogers and her daughter the same jury must now consider Laura Muhlenbruch Aug. 18,

David's lawyer, Robert Beles, of Alameda County" should be had argued that a special cirexecuted for their crimes - or cumstances finding would be inimprisoned for life without correct because his client - assertedly intoxicated on drugs and Under California law, no less- alcohol - was incapable of pre-

Kenneth's lawyer, Spencer Golde said testimony in the so- Strellis, had argued that special called "penalty phase" of the circumstances were inappropriate for his client because he In final argument, both de- didn't actually shoot anyone fense lawyers conceded their but simply stood guard with a clients were guilty of every one shotgun while Rogers and Muhl-

was the most voluminous indict- gunned down in the garage of their Lake Merritt apartment.

arguments.

spent more than 30 minutes jury presented.

When the clerk finished the ders. reading, the case shaped up this

David Moore, 27, was guilty of 26 robberies, two deadly assaults, seven burglaries, six until they die of old age. rapes, seven counts of cutting telephone lines, seven counts of false imprisonment, three acts of sodomy, one act of forcible oral er both during and after the copulation, one count of firing a reading of the verdict. gun into an inhabited dwelling, two charges of auto theft, 10 charges of being an ex-felon with

of the crimes charged in what enbruch were accosted and a handgun and two first-degree murders

> Kenneth Moore, 21, was guilty The jury flatly rejected both of 23 robberies, two deadly assaults, six burglaries, five rapes, Court clerk Julie Rogrigues six counts of cutting phone lines, seven charges of false imprisonreading the verdicts - and even ment, three acts of sodomy, one at that had to summarize the act of forcible oral copulation, contents of almost half of the one count of firing a gun into an sheaf of verdict forms that the inhabited dwelling, two auto thefts and two first-degree mur-

> > The Moores, who wore prison jumpsuits to the hearing, reacted nonchalantly to verdicts that will at least put them behind bars

> > David, wearing a babushkalike scarf on his head, chatted amiably with his younger broth-

But Beles, his lawyer, sat in the wife. stunned silence.

Strellis, who before the verdict

had expressed hope that his cli- the head of the woman's ent, Kenneth, would beat the month-old baby, and while h "special circumstances" charge, year-old son watched in terr repeatedly rubbed his eyes while the verdicts were being read.

For his part, prosecutor James suspect raped a woman -Anderson beamed exultantly after each sexual assault, for when the guilty verdicts were her to crawl at gunpoint up read.

After the jury left, he gave a clenched-fist greeting to Oakland er. police Sgt. James Hahn, who investigated the case.

Veteran court personnel agreed that testimony in the Moore Brothers brothers case was among the grimmest ever heard here.

In one of the incidents, the brothers abducted a family outside a motel in San Jose, clubbed the husband into unconsciousness, and raped and sodomized

The sex attacks occurred while the brothers held a gun to

In another incident, Moores and an unapprehe down the stairs of the f where she was being held pr

Muhlenbruch had been a victim 18 months before she killed, but the men she had tified as her assailants found innocent.

According to testimony, enbruch was so frustrated b court's handling of that case she vowed to fight to the rather than allow herself raped again.

Anderson argued that Moores shot her and her m to death when she refused to mit to them.

#### Prosecutor asks for execution of Moores

An Alameda County prosecutor today asked a jury to "cut out the rottenest malignancy of our society" by ordering the executions of David and Kenneth

At the beginning of a hearing to determine whether the Moore brothers should be imprisoned for life or executed for their convictions of two murders and 130 other felonies, prosecutor James Anderson declared, "These two defendants have earned the death sentence."

In a statement repeatedly interrupted by defense objections, Anderson said he will present evidence of other violent crimes committed by the Moore broth-

That evidence, Anderson said, when considered along with "the sadistic violence perpetrated on

our many victims," justifies capital punishment in this case.

Anderson said he will prove that on July 31, 1971 David Moore shot an Oakland policeman who tried to arrest him.

The policeman's life was saved reportedly because Moore's bul-

let struck his holster.

Anderson said that David was sent to prison, where in one inci dent he attacked a guard.

In another incident, Anderson said, David beat up his wife during a conjugal visit and then used his own 2-year-old daughter as a human shield to keep from being shot by the guards.

Anderson also said he will present evidence that Kenneth Moore was carrying a .38-caliber pistol while committing a series of auto burglaries in Oakland in January 1978.

## Jury told Moores 'earned dea'

By Lance Williams Tribune Staff Writer

David and Kenneth Moore "earned the death sentence" when they killed two women and committed 130 other felonies during a violent Eastbay crime spree, their prosecutor declared Wednesday.

In an aggressive opening argument in the so-called "penalty phase" of their trial, prosecutor James Anderson asked an Alameda County jury to "cull out the rottenest malignancy of our society as exemplified by the brothers Moore" — and order them put to death in the gas chamber.

The jury of seven men and five women, which earlier this week found the Moores guilty of every crime charged in the longest indictment in county history, must decide whether to order the death penalty or life imprisonment without possibility of pa-

Because the Moores were convicted of what the law calls 'special circumstances" murders

- multiple killings committed during a robbery - no other choice is now possible.

Judge Stanley Golde said that, in addition to testimony from the six-week trial, the jury can also base its decision on evidence of the brothers' character as it is presented in the hearing now un-

Anderson spent the day calling witnesses to testify to previous acts of violence attributed to the

Today, defense lawyers are expected to call friends and family of the brothers as witnesses in an effort to persuade the jury that the defendants' lives are worth saving.

The prosecutor's leadoff witness was former Oakland policeman Fred Newton. He said that when he tried to arrest David Moore for burglary in 1971, Moore shot him with a .38-caliber pistol.

Newton said his life was spared only because the bullet struck his holster and was deflected

David was sentenced to prison for the crime.

James Binion, a prison guard at Duell Vocational prison in Tracy, testified that in 1972, David Moore attacked and beat him when he tried to search a record album that he believed contained marijuana.

Binion said he was spared injury because other guards came to his aid.

Another prison guard, Clarence Heusel, testified that in 1974, David beat up his wife during a conjugal visit at the prison.

When Heusel pointed a rifle at the prisoner to stop the attack, Moore used his own 2-year-old daughter as a human shield to keep from being shot, the guard testified.

The Moores were convicted of the 1978 murders of Laura Muhlenbruch and Eileen Rogers in the garage of their Lake Merritt apartment. They were also convicted of a series of armed robberies and burglaries that often included vicious sexual assaults on women.

## Plot to kill Moore prosecutor

Tribune Staff Writer

Heavy security was ordered for today's session of the Moore brothers' trial after court officials learned of an alleged plot to "hit" prosecutor James Ander-

Sections of the courtroom were roped off and officers moved quickly to prevent entry

into the area. Two informed sources said a private attorney came to Superior Judge Stanley Golde this morning and relayed a conversation he had had with a client in county jail. The sources quoted the attorney as saying there was a plot to assassinate Anderson.

The plot was attributed to friends of David and Kenneth Moore, who face the death penalty for two murder convictions and 130 other felony convictions.

The judge heard the report after the courtroom had been partially filled with spectators this morning. At that point, Golde ordered the rest of the seats in the courtroom roped off, and called

down a dozen sheriff's deputies and district attorney's inspectors to stand by in and around the

The fiery prosecutor has recourtroom. ferred to the Moore brothers as "the gestapo of Alameda County," and Wednesday urged the jury to order a death penalty for the Moores, saying they "earned

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### oore parents testify for so

parents of Oakland's oore brothers - convicted onday of two murders and 130 her felonies — testified Thursy that their sons were brought in a religious atmosphere and ere well-behaved schoolboys.

They testified as character itnesses in the final day of the -called "penalty phase" of the cothers' trial. After attorneys ake their final arguments Monay, a jury will decide between fe imprisonment or the death enalty for the pair.

Also testifying on the defendnts' behalf was a family friend, ho asserted that David Moore's chavior seemed to change arkedly after he served five ears in state prison for shooting policeman.

A jailer testified that Kenneth

times is involved in verbal alter- day's final arguments. cations in the jail.

The testimony was delivered amid tight courtroom security ordered because officials suspected a plot to kill prosecutor supposed to hit the deck while James Anderson.

Officials said an attorney heard Wednesday night from a client in the courthouse jail that friends of the Moore brothers might attempt to assassinate the fiery prosecutor.

In court Wednesday, Anderson had angrily demanded the death penalty for the two men.

When Alameda County Superior Court Judge Stanley Golde was told of the suspected plot, he called in about a dozen bailiffs and armed district attorney's inspectors to maintain order.

All but the back rows of the courtroom gallery were roped and made off-limits to spectafoore, 21, is a well-behaved tors. Bailiffs said heavy security risoner, but David, 27, some- will also be in effect during Mon-

Anderson said he took the threat seriously but was not worried that he would be harmed.

"If anything started, I was just everybody cut loose," he said. "I knew they (the guards) would take care of me."

Robert Beles, attorney for David Moore, was visibly frustrated by the tense courtroom atmosphere, which he asserted might distract the jury from "witnesses who have something good to say" about the defend-

Beles called the report of the plot "an unfounded rumor" that was started by "somebody in jail trying to do himself some good" with police.

Beles said he put so little credence in it that "I brought my wife and kids to court today."

#### Moore trial security By Lance Williams

Tribune Staff Writer

The courtroom of Superior Judge Stanley Golde swarmed with extra armed security guards today after Oakland police said they received numerous threats on the life of the judge who has been presiding over the crime spree trial of David and Kenneth Moore.

A dozen investigators from the Alamed County District Attorney's Office, six more bailiffs, all armed and using metal detectors, lined the courtroom as final arguments resumed today in the sentencing phase of the two brothers who have been found guilty of two murders and 130 other felonies.

All but the rear rows of seats were closed to spectators. Last Friday, similar security measures were taken when police said they also learned of death threats against prosecutor James Anderson, who is seeking the death penalty for the Moores who, he said, committed one of the most violent crime sprees in the county's history.

Defense attorneys, while admitting the guilt of the brothers, are arguing against the death penalty, contending the two were high on alcohol and drugs during the series of rapes, robberies and murders they committed, and thus did not fully realize what they were doing.

## David Moore sentenced to die; jury spares younger brother

By Lance Williams Tribune Staff Writer

An Alameda County jury has ordered David Lee Moore to die in the gas chamber for his part in two brutal murders and a long list of other violent crimes.

By a split vote, the jury spared the life of Kenneth Moore David's younger brother and partner in crime.

The death sentence, voted Wednesday in a case involving what the prosecutor called "the worst crime wave in county history," was the first in the Eastbay since California's new death penalty law was enacted in 1977.

The same jury that last week found the Moore brothers guilty

of 132 felonies for a 1978 crime spree deliberated for slightly more than two days before walking into the hushed, heavily

Prosecutor's view, Page B-1

guarded courtroom with a single signed verdict form.

By unanimous vote, the jury of seven men and five women ruled that 27-year-old David Moore should be executed in the gas chamber for the Aug. 18, 1978 murders of Eileen Rogers and her daughter, Laura Muhlenbruch, during a rape attempt in the garage of their Lake Merritt apartment.

The second verdict form was

unsigned, indicating the panel had deadlocked on a penalty for 21-year-old Kenneth. After asking the jury whether further deliberations would help, Superior Judge Stanley Golde declared a hung jury and set Kenneth's punishment as life in prison without chance of parole.

By law, no lesser punishment was possible on the Moore's "special circumstances" murder convictions.

The courtroom was packed with bailiffs and district attorney's inspectors because of repeated reports of death threats against both the judge and prose-

See MOORE, Back Page

#### Moore

#### Continued from Page A-1

cuter James Anderson. But the crowd of the Moores' friends and family members was quiet as the verdict was read.

After his death sentence was announced, David turned and winked at his mother, who was seated in the gallery.

His lawyer, Robert Beles, shook his head disconsolately and looked down.

When the deadlock was declared for Kenneth, his lawyer, Spencer Strellis, whispered, "It's better than nothing." As bailiffs led him from the courtroom, Kenneth gave a clenched-fist salute to spectators.

Golde set April 30 for formal sentencing. Because of the death sentence, the case will automatically be referred to the state Supreme Court for review.

A procession of more than 60 prosecution witnesses testified that the Moores were responsible for a staggering series of crimes in which they repeatedly abducted people, robbed them at gunpoint, and raped and brutalized female victims.

The crimes occurred in Albany, Oakland, Hayward and San Jose.

In one incident, the Moores and an unapprehended accomplice, Charles Reese, gang-raped an Oakland housewife - and, between sexual assaults, made her crawl at gunpoint around the house where she was being held captive.

In another incident, the Moores abducted a family, beat the husband unconscious, and raped and sodomized the wife. During the attack, the Moores held a gun to the head of the woman's 16-month-old baby.

Oakland police broke the case when the Moores were interrupted during a robbery and fled, leaving their truck behind.

Ultimately, defense lawyers conceded that their clients were guilty of all the charges, but begged the jury not to impose the death sentence.

Jurors mutually agreed not to talk to reporters after delivering their verdict.

But prosecutor Anderson interviewed eight jurors for 45 minutes late Wednesday.

jury decided on the death penal-assembling the complex case, ty for David Tuesday.

Eight jurors, by Anderson's ac- When asked his reaction to the count, also favored a death sen-verdict, Strellis, Kenneth's lawone of the triggermen in the die." Beles, David's lawyer,

Anderson quoted jurors as say ment. ing they believed David deserved The trial itself lasted six the death penalty simply for the weeks. enormity of his crimes.

alty phase" of the trial that put on. David had served five years in Neither of the brothers testiprison for shooting an Oakland fied, and gave little sign of conpoliceman, all doubts were cern at any time in the proceed-

Anderson, who with Inspector John Agler and police Sgt. James By Anderson's account, the Hahn worked for 18 months in called the result "maginificent."

tence for Kenneth, but four yer, said, "It's improper to be balked because they were not pleased when another human convinced that Kenneth had been being has been condemned to could not be reached for com-

The court administrator's of-But he said when jurors heard fice roughly estimated that the testimony in the so-called "pen-case cost more than \$1 million to

ings.

#### Younger Moore gets life term

Kenneth Moore, convicted of two murders and 56 other violent crimes during 1978, was sentenced today to life in prison without possibility of parole.

His brother, David, convicted of the same crimes, was sentenced last week to die in the gas chamber.

Both Kenneth, 21, and David, 27, were convicted by a jury last month of the murders of Laura Muhlenbach and Eileen Rogers in the garage of their Lake Merritt apartment Aug. 19, 1978.

The killings were part of a violent crime spree that year both brothers committed in the Eastbay and Santa Clara County.

The jury ordered David to be executed under a special circumstances involving the murders, but deadlocked 8-4 on the fate of Kenneth.

Superior Judge Stanley Golde said according to the law he was forced to sentence Kenneth to the lesser penalty in the special circumstance murders, life without patrol.

Even if the State Court of Appeal reduced the sentence, Golde said, Moore still must serve 60 years for convictions of his other crimes, rapes, robberies and assaults.

Moore asked the judge today to send him immediately to prison. "I'm just going to take it one day at a time. That's all I can

The Moore brothers have spent nearly two years in the Alameda County Courthouse jail awaiting trial.

#### **Execution of** Moore ordered

By Lance Williams **Tribune Staff Writer** 

"This jury exercised a power that is the closest thing to being divine," said Alameda County Judge Stanley Golde.

He had grappled hard with the moral issues involved, but in the end said he simply could not reverse a death sentence the jury had ordered for convicted killer David Lee Moore.

At a sentencing hearing Wednesday in Superior Court, Golde heard a passionate plea from defense lawyer Robert Beles to strike down the death sentence and extend "simple human mercy" to Moore, who was convicted of two murders and a long list of other violent felonies during a 1978 crime spree.

But Golde rejected the plea with a 30-minute discourse that was part legal treatise and part philosophy of a liberal jurist who felt compelled to put aside his own doubts about capital punishment and order the defendant's execution.

"For the court to do anything but deny this motion, regardless of the court's personal feelings concerning the death penalty and the sacredness of human life, would be an arbitrary and capricious act," Golde said.

Then, while the defendant stood facing him with a quizzical smile on his face, the judge grimly ordered Moore to be "put to death by the administration of lethal gas within the walls of the state prison at San Quentin."

The death sentence capped a six-week-long trial in which Moore and his younger brother Kenneth were found guilty of a total of 132 felonies for crimes committed in the Eastbay and the San Jose area.

In 11 violent incidents, they robbed people at gunpoint, and raped, sodomized and abused many of their victims.

In addition, on Aug. 18, 1978, they killed Eileen Rogers and her daughter, Laura Muhlenbruch, in the garage of the women's Lake Merritt-area apart-

Prosecutor James Anderson contended the women were killed because they resisted being raped.

In its verdict, the jury not only convicted both men of all the charges, but ruled that the murders were what the law calls "special circumstances" crimes potentially punishable by the death penalty.

After a second phase of the trial in which jurors learned that David's past criminal history included shooting an Oakland policeman, the panel ordered the death sentence for the 26-yearold ex-convict.

The jury ordered Kenneth Moore, 21, to spend the rest of his life in prison. Formal sentencing for Kenneth was scheduled today.

Defense lawyer Beles urged the judge not to endorse a "coldblooded, premeditated execution.

"We have a rational sane civilized alternative," Beles argued. "We can confine David Moore to state prison for the rest of his life and not debase ourselves as a society."

But Anderson countered that Moore had been afforded "not only a fair trial but a perfect trial." He said the judge had no right to reverse the jury verdict.

Golde reluctantly agreed. He said the evidence of Moore's guilt had been established "beyond any possible or imaginary doubt.'

Further, he said, evidence of Moore's "sadism and depravity" had also been soundly established, and the jury was thus within its rights in ordering him to die.

Court upholds double slayer's life sentence

SAT DEC 15 1984 SAN FRANCISCO - A state appeals court yesterday upheld the life-without-parole sentence. of Kenneth Moore, who along

with his brother David was con-

victed of two murders, 23 rob-

numerous other crimes in the San Francisco Bay Area in 1978. David Lee Moore was sen-

Row cell in November of 1980. Kenneth Moore was sentenced in Alameda County Superior Court to life in prison without possibility of parole.

The murder victims, Eileen

Rogers and her daughter, Laura

Muhlenbruch, were shot to death

apartment building in August

in the garage of their Oakland

one San Jose incident, the court

said, the Moores and a third man robbed three men and a woman at a hotel, hit one man on the head with a gun, and locked all

shocked the Bay Area in 1978, In

The Moores were also convicted of 132 felonies involving rapes, robberies, assaults and a

string of other sordid offenses during a crime spree that

four in the trunk of a car, from which they were rescued.

tenced to death. He was scheduled to die in the gas chamber in May of 1981, but he hanged him-

self from a bedsheet in his Death

## Suspect still wanted — whether dead or alive

By Harry Harris

STAFF WRITER

Many of Charles Reese's pursuers think he is

Others believe he has a new identity and is

living quietly on a southern bayou. Until they know for sure though, Reese, who is 43 — if he is alive — will remain the object of one of the longest manhunts in Oakland Police De-

partment history. Reese, a suspected member of one of the most vicious rape, robbery and murder gangs in East Bay history,

sought since



charging him with 62 felony counts of rape, sodomy, armed robbery and burglary.

"Reese was a legitimate one for a case study of what a career criminal is with all the sociopathic ramifications," said police Capt. Jim Hahn, who

helped end the gang's reign of terror. "He was not dumb; he was very smart and very streetwise. He's very good at evading arrest, but

no one is that good."

Two other members of the gang, brothers

David and Kenneth Moore, were arrested by police in 1978. They were convicted in May 1980. despite their assertions during trial that the fugitive Reese was responsible for the crimes.

David Moore, then 28, was convicted of 74 felonies, including two murders, and sentenced to die in the gas chamber. He hanged himself in his prison cell in November 1980.

Kenneth Moore, now 35, is serving a life without parole sentence after being convicted of

the two murders and 56 other felonies. Authorities said the trio took part in a 1978

Please see Search, page B-2





Charles Reese is one of Oaklan men. He's shown above in mug s arrests in 1970, '77 and '78.

neese has failing and menus.

Wat reese is proparty user. 110

The murder victims were a mother and summer crime wave in Alameda and Santa Clara counties that included two murders and 29 robberies and sexual assaults.

----- pago o

daughter slain in their Pearl Street apartment in August 1978. Other crimes included raping a 64-year-old Hayward woman with a double barreled shotgun and the rape of a Turlock woman who held her 16-month-old baby against her as she was assaulted.

The suspects held a gun to the

after pistol whipping the woman's husband and forcing him to watch.

Oakland homicide Sgt. John McKenna said the gang was "one of the most brutal" he has seen in his 25-year career. "They killed in cold blood, eliminated witnesses and had no respect for human life," he said.

The case was broken by Hahn and McKenna, who were both robbery investigators at the time After the suspects abandoned stolen truck near the scene of

Day's nead during the assault East Dakland robbery, Hahn found a cleaning slip with the Moores' address inside. He learned McKenna had already begun linking them and Reese to a series of West Oakland robberies. Search warrants were of tained and the guns used in the murders were found. So far th search for Reese has involved thousands of manhours and

scores of police and FBI agents throughout the country, partic ularly in Oakland, his hometow of Richmond, and in Texa Florida and Louisiana whe Reese has family and friends. The FBI alone has a file on

Reese a foot tall. His wanted poster still dots the walls of federal facilities across the country.

Hahn said, "Charles Reese is probably dead. For about the first two years after the warrants were issued there was some good intelligence to OPD and the FBI (that) he was visiting Richmond."

But all of a sudden the information stopped.

Hahn said Reese's "personality, his lifestyle, the activities he was involved in . . . he could not go this long without having been arrested for something . . a petty theft, drug deal, robbery or assault. "Fingerprints would have shown who he was. If it was a

TOTA COLLISIONAL TOTAL simple drunk arrest, he might have been released before the prints confirmed who he was, but at least we would have known where he was.

"He probably has died a violent death and more than likely the body has not been discovered," Hahn said.

An FBI agent who has worked the case calls it his "most frustrating." He said he and a Contra Costa investigator "basically turned Richmond upside down talking to everyone."

The agent buys into the theory that Reese is probably dead. "As violent a criminal as he was and the history he had, it would be kind of unusual for him to become a solid citizen."

But another FBI agent believes Reese is still alive. "Individuals we have contacted in the last year have indicated to us he is still alive," the agent said.

If that is true, the agent said, Reese "has a new identity or he's either changed his lifestyle so much or he's gotten into trouble under the other name and we haven't been able to put it together yet."

Anyone with information should call the Oakland police fugitive unit at 238-3775 or the FBI at 415-553-7400.